
DRAFT STATUTORY INSTRUMENTS

2024 No.

The North East Mayoral Combined Authority
(Establishment and Functions) Order 2024

PART 10

Additional functions and incidental provision

Other functions

47.—(1) The functions of the constituent councils described in the provisions specified in paragraph (2) are exercisable by the Combined Authority in relation to the Combined Area.

(2) The provisions referred to in paragraph (1) are—

- (a) section 144 of the 1972 Act (the power to encourage visitors and provide conference and other facilities)(1);
- (b) section 145 of the 1972 Act (provision of entertainments)(2); and
- (c) section 69 of the 2009 Act (duty to prepare an assessment of economic conditions).

(3) The functions referred to in paragraph (1) are exercisable concurrently with the constituent councils.

(4) Any requirement in any enactment for a constituent council to exercise such a function may be fulfilled by the exercise of that function by the Combined Authority.

(5) The provisions specified in paragraph (2) apply to the Combined Authority as they apply to a constituent council.

Incidental provisions

48.—(1) The provisions specified in paragraph (2) have effect in relation to the Combined Authority as if the Combined Authority were a local authority for the purposes of those provisions.

(2) The provisions referred to in paragraph (1) are—

- (a) section 113 of the 1972 Act (placing staff at the disposal of other local authorities)(3);
- (b) section 142(2) of the 1972 Act (power to arrange for publication information etc relating to the functions of the authority)(4); and

(1) Section 144 was amended by Schedule 2 to the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); by section 194 of, and Schedule 34 to, the Local Government, Planning and Land Act 1980 (c. 65); and by Schedule 17 to the Local Government Act 1985 (c. 51). There are other amendments which are not relevant to this instrument.

(2) Section 145 was amended by section 198 of, and paragraph 59 of Schedule 6 to, the Licensing Act 2003 (c. 17).

(3) Section 113 was amended by paragraph 151 of Schedule 4 to the National Health Service Reorganisation Act 1973 (c. 32); by section 66(1) of and paragraph 13 of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19), by paragraph 18 of Schedule 4 to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); by paragraph 51(a) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43); by paragraph 17 of Schedule 5, paragraph 3 of Schedule 7, paragraph 45 of Schedule 14 and paragraph 3 of Schedule 17 to the Health and Social Care Act 2012 (c. 7); by S.I. 2000/90; by S.I. 2002/2469; and by S.I. 2007/961.

(4) Section 142(2) was amended by section 3(1)(a) of the Local Government Act 1986 (c. 10); there are other amendments which are not relevant to this instrument.

(c) section 222 of the 1972 Act (power to prosecute and defend legal proceedings)(5).

(3) The Combined Authority has the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985 (research and collection of information)(6) whether or not a scheme is made under that section.

(4) For the purposes of paragraph (3) of this article, paragraphs (a) and (b) of section 88(1) of the Local Government Act 1985 have effect as if a reference to “that area” were a reference to the Combined Area.

(5) The functions of the constituent councils under section 1 of the 2011 Act, to the extent that those functions are exercisable for the purpose of economic development and regeneration, are exercisable by the Combined Authority in relation to the Combined Area.

Modification of section 13 of the 1989 Act

49. Section 13 of the 1989 Act (voting rights of members of certain committees: England and Wales)(7) has effect in relation to the Combined Authority as if—

(a) in subsection (4), after paragraph (e) there were inserted—

“(ea) subject to subsection (4A), a committee appointed by the North East Mayoral Combined Authority;” and

(b) after subsection (4) there were inserted—

“(4A) A person who is a member of a committee falling within paragraph (ea) of subsection (4) or a sub-committee appointed by such a committee must for all purposes be treated as a non-voting member of that committee or sub-committee unless that person is a member of one of the constituent councils within the meaning given in article 2 of the North East Mayoral Combined Authority (Establishment and Functions) Order 2024.”.

Amendment of the Local Government Pension Scheme Regulations 2013

50.—(1) Column 1 of the table in Part 2 of Schedule 3 (appropriate administering authority) to the Local Government Pension Scheme Regulations 2013(8) is amended in accordance with paragraph (2).

(2) For the entry beginning “An employee of the following combined authorities” substitute—

“An employee of the North East Mayoral Combined Authority established by the North East Mayoral Combined Authority (Establishment and Functions) Order 2024.”.

Data sharing

51.—(1) The functions of the constituent councils under section 17A of the Crime and Disorder Act 1998 (sharing of information)(9) are exercisable by the Combined Authority in relation to the Combined Area.

(5) To which there are amendments not relevant to this instrument.

(6) 1985 c. 51; section 88 was amended by section 396 of the 1999 Act.

(7) Section 13 was amended by paragraph 1 of Part 2 of Schedule 21 and paragraph 96 of Part 1 of Schedule 37 to the Education Act 1993 (c. 35); by paragraph 36 of Schedule 4(I) and by paragraph 1 of Part 1 of Schedule 9 to the Police and Magistrates’ Courts Act 1994 (c. 29); by paragraph 1 of Schedule 24 to the Environment Act 1995 (c. 25); by paragraph 96 of Part 1 of Schedule 37 and by paragraph 1 of Part 1 of Schedule 38 to the Education Act 1996 (c. 56); by paragraph 22 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31); by paragraph 1 of Part 4 of Schedule 5 to the Children Act 2004 (c. 31); by paragraph 81 of Schedule 6 to the 2009 Act; by paragraph 14 of Schedule 14 and by paragraph 1 of Part 4 of Schedule 22 to the Marine and Coastal Access Act 2009 (c. 23); by paragraph 15 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25); by section 7 of the Policing and Crime Act 2017 (c. 3), by S.I. 2001/1517; and by S.I. 2010/1158.

(8) S.I. 2013/2356.

(9) 1998 c. 37. Section 17A was inserted by section 22 of, and paragraph 5 of Schedule 9 to, the Police and Justice Act 2006 (c. 48).

(2) The Combined Authority is a relevant authority for the purposes of section 115 (disclosure of information) of the Crime and Disorder Act 1998⁽¹⁰⁾.

(3) The functions mentioned in paragraph (1) are exercisable concurrently with the constituent councils.

⁽¹⁰⁾ Section 115 was amended by section 74 of, and paragraphs 150 and 151 of Part 2 of Schedule 7 to, the Criminal Justice and Court Services Act 2000 (c. 43); section 97 of the Police Reform Act 2002 (c. 30); section 219 of the Housing Act 2004 (c. 34); section 22 of, and paragraph 7 of Schedule 9 to, the Police and Justice Act 2006; section 29 of the Transport for London Act 2008 (c. 1); paragraph 238 of Schedule 16 to the Police Reform and Social Responsibility Act 2011; section 55 of, and paragraphs 83 and 90 of Schedule 5 to, the Health and Social Care Act 2012 (c. 7); sections 6 and 9 of and paragraph 80 of Schedule 1 and paragraph 106 of Schedule 2 to the 2017 Act; and by S.I. 2000/90, S.I. 2002/2469, S.I. 2007/961, S.I. 2008/912, S.I. 2010/866 and S.I. 2013/602.